

APPEAL NO. 021003  
FILED JUNE 13, 2002

Following a contested case hearing held in Dallas, Texas, on April 4, 2002, pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act), the hearing officer resolved the disputed issues by determining that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_, that he timely reported the injury to the appellant (self-insured), and that he had disability from \_\_\_\_\_, through August 26, 2001. The self-insured has requested our review of the injury and notice determinations on the grounds of evidentiary insufficiency, concluding that "it boggles the mind that an impartial tribunal could come to the conclusion drawn in this case." The file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant testified that on \_\_\_\_\_, while employed as a school cafeteria cook, he was putting up cases of canned goods on a shelf in the freezer and felt a sharp low back pain with radiation down his legs while carrying the cases of canned goods to the back. He stated that he told his supervisor, Ms. D, that he "hurt [his] back putting up the groceries"; that he went to a hospital later that day for treatment and was taken off work by a doctor there; that about a week later, he again told Ms. D, about the injury and she told him that he needed to request a leave of absence from the principle to save his job; and that he was released to return to work effective August 27, 2001. He indicated that it was a secretary who did not check "work related" on the leave of absence form he signed. Ms. D's testimony directly conflicted with that of the claimant, who conceded having had prior back pain and testing, concerning his having provided notice that he hurt his back at work.

The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)). The Appeals Panel will not substitute its judgment for that of the hearing officer unless the challenged factual determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are approved.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**SUPERINTENDENT  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Roy L. Warren  
Appeals Judge